

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEON RENEE HARVEY,

No. C 07-02247 SBA (PR)

Petitioner,

v.

**ORDER GRANTING SECOND
EXTENSION OF TIME TO PAY THE
FILING FEE OR FILE *IN FORMA*
PAUPERIS APPLICATION**

BEN CURRY,

Respondent.

Petitioner has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. However, Petitioner has not paid the requisite \$5.00 filing fee or filed an application for leave to proceed in forma pauperis (hereinafter "IFP"). The Court cannot conduct an initial review of this matter until Petitioner has either paid the filing fee or completed an IFP application. See 28 U.S.C. § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or security if he makes affidavit that he is unable to pay such fees or give security therefor).

In an Order dated January 4, 2008, the Court granted Petitioner an extension of time to pay the requisite \$5.00 filing fee in this action.

On January 23, 2008, Petitioner filed a second request for an extension of time to pay the requisite \$5.00 filing fee in this action.

Accordingly, the Court grants Petitioner's second request. No later than **thirty (30) days** from the date of this Order, Petitioner shall pay the \$5.00 filing fee and include with his payment a clear indication that it is for the above-referenced case number, C 07-02247 SBA (PR). In the event that Petitioner is unable to pay the filing fee, he shall submit an IFP application, trust account statement and certificate of funds no later than **thirty (30) days** from the date of this Order. Failure to pay the filing fee or file the requisite documents within the thirty-day deadline shall result in dismissal of this action.

1 The Clerk of the Court shall send Petitioner a blank prisoner IFP application form along with
2 his copy of this Order.

3 IT IS SO ORDERED.

4 DATED: 1/28/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
5
6

7 LEON RENEE HARVEY,

Case Number: CV07-02247 SBA

8 Plaintiff,

CERTIFICATE OF SERVICE

9 v.

10 BEN CURRY et al,

11 Defendant.
12 _____/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on January 29, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19 Leon Renee Harvey V72083
20 California Training Facility
21 P.O. Box 705
22 Soledad, CA 93960-0705

23 Dated: January 29, 2008

24 Richard W. Wieking, Clerk
25 By: LISA R CLARK, Deputy Clerk
26
27

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